

**CITY OF NEWBERG CITY COUNCIL MINUTES
TUESDAY, FEBRUARY 17, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting on City Council goal setting. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Bart Rierson	Stephen McKinney	Wade Witherspoon

Members

Absent: Marc Shelton (Excused – arrived at 8:59 PM during Executive Session)

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary

Others

Present: Darlyn Adams

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported on the City/County insurance service conference in Eugene last week with potential rate increases estimated at 15% for medical and 0% for dental and vision in general. He also spoke about a presentation by Senator Ron Wyden last Sunday and offered an overview of topics discussed. He discussed the first of the monthly breakfast meetings with Senator Larry George and Representative Kim Thatcher in Newberg; topics included the bypass, education, budget cuts, and various stimulus packages. He said the Affordable Housing open house would be held February 24, 2009 at 7:00 PM in the Public Safety Building and discussed a copy of a report on the local economy presented at the Newberg City Club by Pat O'Connor.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends, reported there is approximately \$424,000 in building fund. She spoke of the Critter Club and the gradual success of the NASF to raise funds. The next meeting is scheduled for February 26, 2009 at City Hall, 2nd Floor Conference Room at 7:30 PM (see official meeting packet for full report).

VI. CONSENT CALENDAR

Consider a motion approving City Council Minutes for January 20, 2009.

MOTION: Larson/Rierson to approve the City Council Minutes for January 20, 2009 as amended. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2009-2709** amending the Newberg Development Code regarding cell towers.

TIME – 7:16 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. None were stated.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mayor Andrews asked if the Planning Commission's adoption of this ordinance included the amendments given by staff this evening. Staff replied these amendments were not included.

Councilor Wade Witherspoon asked if existing towers would be grandfathered in if this is adopted. Staff replied they would unless they are removed for being out of service; they would be required to comply with the new code amendments if reinstalled.

Mayor Andrews asked for the proposed language change to be clarified for the record. Staff showed the proposed language as follows: Camouflaged. A telecommunication facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure, such that its presence is not readily discernable as a telecommunication facility.

Councilor Bart Rierson was concerned the language was too subjective in the report and asked for assurance that the City could support this if challenged. Staff stated confidence the code amendment is legally solid and cited other communities doing this and the reactions of the carriers to work with these types of requirements for cell tower camouflage.

Mayor Andrews opened and closed public testimony. There were no citizens present to testify.

Corrections were discussed as to the correct number on the ordinance, which was incorrect on the agenda and within the staff presentation.

MOTION: Rierson/Larson to amend **Ordinance No. 2009-2709** with proposed language from staff and the findings in exhibit A supporting the changes. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

Councilor Witherspoon expressed concerns for the language in Exhibit B, summary A, number 2, in the last line about potential negative health effects; he was unsure if this statement was based on proven research. He stated the ordinance is consistent with the development code, the comprehensive plan, and the Council's goal setting; he supported the amendment and the ordinance.

Councilor Rierson also supported this as being a fair and good for the citizens.

MOTION: Rierson/Larson to approve **Ordinance No. 2009-2709** amending the Newberg Development Code regarding cell towers as amended and read by title only.

Councilor Stephen McKinney asked if there were times when camouflaging would be counterproductive to the goal. Staff said it could be when trying to encourage more than one antenna on one pole, making a larger structure more visually dominant than the pole itself.

VOTE: To approve **Ordinance No. 2009-2709** as amended and read by title only. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

None.

X. COUNCIL BUSINESS

Further discussion on the meeting with Senator Wyden continued, highlighting upcoming stimulus packages and possible requests for transportation dollars and the possible affect on the Newberg-Dundee Bypass.

XI. EXECUTIVE SESSION

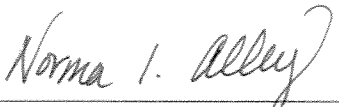
Executive session of the Newberg City Council under authority of ORS 192.660(2)(e) and (f) dealing with issues of real property transactions and legal advice from city attorney concerning project to construct new animal shelter.

TIME – 8:01 PM

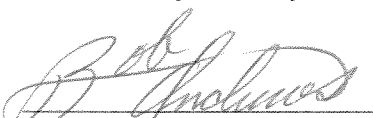
XII. ADJOURNMENT

MOTION: Larson/McKinney to adjourn at 9:40 PM (7 Yes/0 No) Motion carried.

ADOPTED by the Newberg City Council this 16th day of March, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 19th day of March, 2009.


Bob Andrews, Mayor